

JURY SELECTION FOR DEATH PENALTY CASES CONFERENCE

March 1, 2019
APAAC Training Room
Phoenix, Arizona



JURY QUESTIONNAIRES

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Distributed by:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

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ELIZABETH ORTIZ
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SAMPLE SJQ QUESTIONS

KEY ISSUES

PAULA A. ANDERSON

DISTRACTIONS/INABILITY TO FOCUS

21. Do any of your medications affect your memory or concentration, or in any way affect your ability to serve as a juror in this case? ☐ Yes ☐ No
22. Do you have any physical concerns or limitations that would prevent you from serving in this case as set forth in the trial schedule provided?

23. Are you now, or have you in the past suffered from any emotional conditions (depression, anxiety, PTSD)?

24. Are there currently any circumstances in your life, whether personal or business related, that you feel might affect your ability to listen to and evaluate the evidence in this case?
☐ Yes ☐ No If **yes**, please explain: _____

SOCIAL MEDIA/IDENTIFY INABILITY TO REFRAIN FROM INTERNET

37. Do you regularly post to or read blogs, Twitter, and/or social sites such as Facebook, or Instagram? ☐ Yes ☐ No
If **yes**, which ones? _____
38. Will you accept without reservation the Court's order that **YOU WILL NOT ACCESS OR USE THE INTERNET TO GATHER ANY INFORMATION OF ANY KIND REGARDING THIS TRIAL OR BLOG IN ANY WAY ABOUT ANY ASPECT OF YOUR JURY SERVICE IN THIS TRIAL?** ☐ Yes ☐ No

VICTIM WAS PREGNANT/DEATH OF UNBORN CHILD

79. Are you, or is anyone close to you, currently pregnant, trying to get pregnant or just recently (last 6 months) given birth? ☐ Yes ☐ No Please explain: _____

80. Are you, or is anyone close to you, ever been a single parent? ☐ Yes ☐ No
Please explain: _____

81. Do you have strong feelings about when a human life truly begins? ☐ Yes ☐ No

Please explain: _____

82. Do you believe that a child must be born before it is considered to be a life?

☐ Yes ☐ No

If yes, please explain: _____

83. Do you have strong feelings about whether a viable fetus is a 'human being'?

☐ Yes ☐ No

Please explain: _____

84. Do you have strong feelings about the State seeking murder charges for the death of an unborn child? ☐ Yes ☐ No

Please explain: _____

85. Do you have strong feelings about the State seeking murder charges for both the pregnant woman and for the death of her unborn child? ☐ Yes ☐ No

Please explain: _____

SCREENING FOR MITIGATION CONNECTIONS

104. Are you a member of any group or organization which is concerned with racial issues? ☐

Yes ☐ No ☐ If yes, please explain: _____

105. Have you or anyone close to you had what you consider a “difficult” family life as a young child? ☐ Yes ☐ No
If yes, please describe: _____

106. Do you personally know anyone who has mistreated a child? ☐ Yes ☐ No
If yes, please describe: _____

77. Have you or anyone close to you had any of the following experiences:
Parents divorcing when you were a child ☐ Yes ☐ No
Growing up in a tough neighborhood ☐ Yes ☐ No
Raising a child as a single parent ☐ Yes ☐ No
Raising siblings because of a divorce ☐ Yes ☐ No

If yes, please explain: _____

SCIENTIFIC ANALYSIS OF EVIDENCE

87. Have you recently read, seen or heard anything about crime scene analysis?
☐ Yes ☐ No If yes, please explain: _____

88. What is your view concerning the reliability of **DNA analysis**?
☐ Very reliable ☐ Somewhat reliable ☐ Not reliable

89. What is your view concerning the reliability of **crime scene analysis**?
☐ Very reliable ☐ Somewhat reliable ☐ Not reliable

90. What is your view concerning the reliability of **forensic testing**?
☐ Very reliable ☐ Somewhat reliable ☐ Not reliable ☐ Unknown

91. What is your view concerning the reliability of **fingerprint testing**?
☐ Very reliable ☐ Somewhat reliable ☐ Not reliable ☐ Unknown

92. What is your view concerning the reliability of **blood spatter analysis**?
☐ Very reliable ☐ Somewhat reliable ☐ Not reliable ☐ Unknown
93. What is your view concerning the reliability of **computer forensic analysis**?
☐ Very reliable ☐ Somewhat reliable ☐ Not reliable ☐ Unknown
94. Have you seen, read or heard about any cases or instances where the contents of a person's computer were retrieved and analyzed for documents or files as part of a criminal investigation? ☐ Yes ☐ No
If yes, please explain: _____

If yes, what opinions have you formed as a result of the information you have read, seen or heard?

DOMESTIC VIOLENCE/MARITAL ISSUES/BATTERED WOMAN

96. Are you or is someone close to you having marital difficulties?
☐ Yes ☐ No If yes, list: _____
- _____
97. Have you or anyone close to you experienced allegations of marital affairs or infidelity in a marriage? ☐ Yes ☐ No If yes, list: _____
- _____
- _____
98. Have you, or anyone close to you ever been involved in any type of abusive relationship?
☐ Yes ☐ No If yes, please describe: _____
- _____
- _____
- _____

99. As a young child, did you or anyone close to you have a caretaker who was involved in an abusive relationship? ☐ Yes ☐ No

If yes, please describe: _____

100. Have you, a family member or close friend had any contact with, used, worked or volunteered at a battered shelter, family/domestic violence center, or similar place?

☐ Yes ☐ No

If yes, please describe: _____

101. Have you read any books or articles, seen any television shows or heard anything about cases in which a person claims they killed their spouse as a result of past instances of domestic violence or abuse? ☐ Yes ☐ No

If yes, list: _____

If yes, what opinions have you formed as a result of the information you have read, seen or heard?

102. Have you seen, read, heard or directly experienced a circumstance where someone used allegations of abuse to justify hurting or killing the alleged abuser? ☐ Yes ☐ No

If yes, please describe: _____

If yes, what opinions have you formed as a result of the information you have read, seen or heard?

103. Do you feel, based on the mere fact that a Defendant claims past abuse by the Victim, that you would have difficulty being fair and impartial as a juror in this case?

☐ Yes ☐ No

If yes, please describe: _____

108. Do you have feelings about the psychological label/diagnosis of “battered woman syndrome?” ☐ Yes ☐ No

If yes, please describe: _____

-
74. The Defendant is a female. Would the fact that the Defendant is a woman interfere in anyway with your ability to be a fair and impartial juror in this case? ☐ Yes ☐ No

If yes, please explain:_____

If you answered yes, please give details.

CO-DEFENDANT/IMMUNITY/JAILHOUSE ISSUES

70. Do you have strong feelings about the credibility/believability of witness who was involved/present at a crime and received a lesser sentence testifying against a Defendant at trial? ☐ Yes ☐ No

Please explain_____

71. Do you have strong feelings about the use of jail house recordings in a trial?
☐ Yes ☐ No

Please explain_____

72. Do you have strong feelings about the use of testimony from other jailhouse detainees against a Defendant?
☐ Yes ☐ No

Please explain_____

95. Do you have feelings about the use of the State of Arizona granting immunity to a witness in a murder case?

☐ Yes ☐ No If yes, please explain: _____

GANGS

78. Have you or anyone close to you had any interactions with or experiences with street or ethnic gangs?

☐ Yes ☐ No

If yes, please describe: _____

79. Have you or anyone close to you ever been a member of or had any affiliations with a gang? ☐ Yes ☐ No

If yes, please describe: _____

80. Are you a member of any group or organization which is concerned with gang issues?

☐ Yes ☐ No

If yes, please explain: _____

SUBSTANCE ABUSE/MENTAL HEALTH

93. Do you or any close friends or family members have now, or have had, a substance abuse problem? ☐ Yes ☐ No

If yes, please describe who and the circumstances of the substance abuse (specify what types of substances): _____

94. Have you ever studied, had training or work experience in treatment programs for alcohol, drug or any other substance abuse (not previously mentioned)? ☐ Yes ☐ No

If yes, please describe: _____

95. Do you have strong feelings or opinions about drugs? ☐ Yes ☐ No

If yes, please explain: _____

-
96. Do you have strong feelings or opinions about those who drink alcohol? ☐ Yes ☐ No
If yes, please explain: _____
-

MEDIA

99. Have you watched or seen any television shows or series; listened to blogs or podcasts; or read any articles that have affected your view of the criminal justice system?
☐ Yes ☐ No
If yes, please explain: _____
-
-

100. Have you personally watched the Netflix series “Making of a Murderer?” ☐ Yes ☐ No
If yes, please describe your feelings about this show: _____
-
-

101. What are your general opinions about television series such as “Making of a Murderer or others like this show?”
-
-
-

102. Do you have any feelings or opinions about podcasts or television shows that depict criminal cases? ☐ Yes ☐ No
If yes, please explain: _____
-

MEDIA-FALSE ARREST/FALSE CONFESSIONS

91. Have you read any books or articles, seen any television shows or heard anything about cases in which there was a false arrest?

☐ Yes ☐ No

If yes, list: _____

If yes, what opinions have you formed as a result of the information you have read, seen or heard?

92. Have you recently read any books or articles, seen any television shows or heard anything about cases in which a person has confessed to a crime they did not commit?

☐ Yes ☐ No

If yes, list: _____

If yes, what opinions have you formed as a result of the information you have read, seen or heard?

SAFETY/FEAR OF CRIME

101. How worried are you about crime in your neighborhood?

☐ Very worried ☐ Somewhat worried ☐ Not very worried

102. Do you interact and/or have close relationships with your neighbors ☐ Yes ☐ No

103. What steps have you taken for your personal safety? (Check all that apply)

☐ Security bars on windows ☐ House alarm ☐ Guard dog ☐ Weapon such as a gun/stun gun ☐ Mace/pepper spray ☐ Other: _____

104. Have you ever moved or wanted to move because you had concerns about safety?

☐ Yes ☐ No If yes, please explain _____

-
105. Have you ever been in a situation where you feared being hurt or killed as a result of violence of any type? ☐ Yes ☐ No If yes, please explain: _____
106. How worried are you that you or someone close will become the victim of a crime?
☐ Very worried ☐ Somewhat worried ☐ Not very worried
109. Do you believe that some individuals are more vulnerable and therefore more likely to become a victim of a crime? ☐ Yes ☐ No
If yes, please explain: _____
-

SERIEL KILLERS-HIGH PROFILE

107. Have you recently read any books or articles, seen any television shows or heard anything about serial killers, and/or high profile murder cases in general?
☐ Yes ☐ No If yes, list: _____
108. Are you aware of any court cases involving serial killers, and/or high profile murder cases in general? ☐ Yes ☐ No
If yes, please describe these cases and state what you recall: _____
-
-

JUROR EXPECTATIONS

126. Would you automatically find a defendant not guilty if no confession was presented as evidence during trial?
☐ Definitely ☐ Probably ☐ No Please explain your answer: _____
-
-
127. Would you automatically find a defendant not guilty if no DNA evidence was presented during trial?
☐ Definitely ☐ Probably ☐ No Please explain your answer: _____
-
-

128. Would you automatically find a defendant not guilty in a murder case if no murder weapon (gun, knife, etc.) was found and presented as evidence during trial?

☐ Definitely ☐ Probably ☐ No Please explain your answer: _____

COLD CASE-TIME ELAPSED/EYE WITNESSES

101. Have you recently read, seen or heard anything about “Cold Case” investigations and/or homicide cases? ☐ Yes ☐ No

If yes, please explain: _____

102. What opinions have you formed about police efforts in solving “cold cases?”

103. The evidence will show that this crime was committed in 2002. This trial is taking place approximately 16 years later. Will the fact that an extended period of time has elapsed affect your ability to fairly evaluate the evidence presented by either side?

☐ Yes ☐ No If yes, please explain your answer: _____

104. Have you recently read, seen or heard anything about the accuracy of eyewitnesses?

☐ Yes ☐ No If yes, please explain: _____

105. What is your view concerning the reliability of eye witness memories?

☐ Very reliable ☐ Somewhat reliable ☐ Not reliable

106. What is your view concerning the reliability of eye witness memories after an extended period of time?

☐ Very reliable ☐ Somewhat reliable ☐ Not reliable

107. Do you tend to disregard all testimony from a witness when you find inconsistent with previous statements they have made? ☐ Yes ☐ No Please explain: _____

SAMPLE DEATH PENALTY SECTION OF SJQ

PENALTY

If the defendant is found guilty of first degree murder, the jury will have to decide whether the defendant will be sentenced to life imprisonment or receive the death penalty. This is called the penalty phase of the trial.

The penalty phase of the trial may contain two parts. The State must first prove beyond a reasonable doubt that one or more aggravating circumstances exist for the defendant to be eligible for a death sentence. Aggravating circumstances are set forth in the law. The law allows only a very few and very specific aggravating circumstances to be used, if proven beyond a reasonable doubt, to make a defendant convicted of Murder in the First Degree eligible for a death sentence. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the existence of that aggravating circumstance.

If you do not unanimously find that the State has proved that at least one of these aggravating circumstances exists beyond a reasonable doubt, the death penalty cannot be imposed, and the defendant must be sentenced to life in prison.

If you unanimously find that the State has proved that at least one of the aggravating circumstances exists, the penalty phase of the trial moves to its second stage. Then the defendant has the opportunity to prove the existence of mitigating circumstances. A mitigating circumstance is any fact or circumstance relevant in determining whether to impose a sentence less than death, including any aspect of the defendant's character, propensities, or record, and any circumstances of the offense. A mitigating circumstance is not a defense to the crime, it is a reason to give a sentence less than death. The defendant must prove any mitigating circumstance by a preponderance of the evidence. Proof by a preponderance of the evidence means proof that a fact or circumstance is more likely true than not. It is a lower standard than proof beyond a reasonable doubt. A finding that some mitigating circumstance exists need not be unanimous and you all need not agree on which particular mitigating circumstances exist.

The mitigating circumstances must be of such quality or value that it is adequate, in the opinion of an individual juror, to persuade that juror to vote for a sentence of life in prison. A mitigating circumstance that motivates one juror to vote for a sentence of life in prison may be evaluated by another juror as not having been proved or, if proved, as not significant to the assessment of the appropriate penalty. Each juror must determine whether, in that juror's individual assessment, the mitigation is of such quality or value that it warrants a life sentence in a particular case.

If you unanimously find the mitigation is sufficiently substantial to call for a life sentence, you must impose a life sentence and the Court will sentence the Defendant to life in prison.

If you unanimously find that no mitigation exists or that the mitigation is not sufficiently substantial to call for a life sentence, you must impose the death penalty.

If the jurors unanimously vote for a life verdict, then the defendant will be sentenced to life in prison. If the jurors unanimously vote for a death verdict, then the judge will order that the defendant will receive the death penalty based on the jury's decision. A jury's decision to sentence a defendant to life in prison or death is not a recommendation, it is binding on the Court.

104. How do you feel about death penalty and why do you feel that way?

105. Have your views about the death penalty changed in the past years? ☐ Yes ☐ No
If yes, please describe: _____

106. Have you heard anything about the Arizona death penalty process? ☐ Yes ☐ No
If yes, what is the source of your information (news, internet, work, etc.)?

107. Do you feel that the death penalty is imposed:
☐ Too often ☐ Not enough ☐ Undecided
Please explain: _____

108. The law allows only a limited number of aggravating circumstances to be used, if proven beyond a reasonable doubt, to make a defendant convicted of First Degree Murder eligible for a death sentence. No other fact or detail about the case or the defendant may be considered as an aggravating factor.

Do you agree with this law? ☐ Yes ☐ No

Can you follow this law even if you disagree with it? ☐ Yes ☐ No

If either answer is no, Please explain: _____

109. The law requires that aggravating circumstances be proven beyond a reasonable doubt. Mitigating circumstances, on the other hand, need only be proven by a preponderance of the evidence. **Mitigation is defined on page xx.**

Do you agree with this law? ☐ Yes ☐ No

Can you follow this law even if you disagree with it? ☐ Yes ☐ No

If either answer is no, Please explain: _____

110. Do you have any personal, moral, religious, philosophical or conscientious objections to the imposition of the death penalty? ☐ Yes ☐ No

If your answer is yes, Please explain: _____

111. Do you belong to or donate money to any group that advocates for the increased use or the elimination of the death penalty? ☐ Yes ☐ No

If yes, what group and what is the group's philosophy on the death penalty (for or against)

112. Do you believe that a person who is convicted of First Degree Murder should always be sentenced to death? ☐ Yes ☐ No

Please explain: _____

113. Will you, for whatever reason, automatically vote for the death penalty for someone convicted of First Degree Murder without considering the evidence about the Defendant's background, propensities, character, criminal record, or the circumstances of the offense? ☐ Yes ☐ No

If yes, Please explain: _____

114. Do you believe that a person convicted of First Degree Murder should **never** be sentenced to death? ☐ Yes ☐ No

If yes, Please explain: _____

115. Will you, for whatever reason, automatically vote **against** the death penalty for someone convicted of First Degree Murder without considering the evidence and the instructions of law that will be presented to you? ☐ Yes ☐ No

If yes, Please explain: _____

116. Are your views regarding the death penalty, whether based on moral, philosophical, religious or any other grounds, so strongly held - that you will be prevented or substantially impaired from serving as a juror where the jury may be asked to decide between whether a Defendant lives or dies? ☐ Yes ☐ No

If yes, Please explain: _____

117. Would the fact you are being asked to judge the guilt or innocence and/or decide life or death for another person, affect your ability to be fair and impartial? ☐ Yes ☐ No

If yes, Please explain: _____

118. The cost of either life in prison or the death penalty cannot be considered by the jury in deciding punishment. Do you agree with this law? ☐ Yes ☐ No

If no, Please explain: _____

Can you follow this law even if you disagree with it? ☐ Yes ☐ No

119. You will be instructed that the jurors must accept and follow the law as instructed by the judge, whether or not you personally agree with that law. Are you willing to follow this rule of law? ☐ Yes ☐ No

If no, Please explain: _____

120. If the Court instructed you to disregard certain testimony or evidence, could you do so? ☐ Yes ☐ No

If no, Please explain: _____

121. Will you be able to keep an open mind during each phase of this trial? ☐ Yes ☐ No

If no, Please explain: _____

122. If, after hearing the evidence, reviewing the instructions, and deliberating with your fellow jurors, you believed that death was the appropriate sentence; would you personally be able to enter a verdict that would cause the defendant to die? ☐ Yes ☐ No

123. Similarly, if, after hearing the evidence, reviewing the instructions and deliberating with your fellow jurors, you believed that life was the appropriate sentence; would you personally be able to enter a verdict that would lead to such a sentence? ☐ Yes ☐ No

124. Do you agree that it would be wrong for a juror to sit through the entire sentencing proceeding and then, for the first time, state during deliberations that regardless of the facts, he or she would never vote for the death penalty, or alternatively, would always vote for the death penalty? ☐ Yes ☐ No

If no, please explain: _____

125. You will have an obligation as a juror to ensure that the other jurors are upholding their oaths. This means that if you were to learn that any fellow jurors were not following the admonition – such as conducting their own independent research; not following the law; or refusing to deliberate – you must inform the Judge.

Do you agree that if you were to learn of any juror misconduct; refusal to deliberate or any actions that are in violation with your oath as a juror you would be willing to notify the Court immediately. ☐ Yes ☐ No

If no, please explain:_____

126. You will be instructed that jurors must accept and follow the law as instructed by the judge, whether or not you personally agree with the law. Would your views regarding the death penalty **prevent or impair** you from performing your sworn duty to follow the law and applying it to the facts of the case? ☐ Yes ☐ No

If yes, please explain:_____

127. Does your religion have a view on the death penalty? ☐ Yes ☐ No

If yes, please describe:_____

Do you agree or disagree with this view:_____

128. Please check the box(s) any statement(s) that describe you:

- ☐ I like assuming a leadership role in a group of people.
- ☐ I tend to step in and take an active role in solving disagreements between people.
- ☐ I tend to “speak my mind” in group discussions.
- ☐ I prefer to listen rather than speak in group discussions.
- ☐ I dislike and often struggle being involved in group discussions where there are disagreements.